

Frederick County Ethics Commission
Minutes for the Public Meeting of Monday, January 14, 2013

Present: Hayden B. Duke, Chair
 Paula C. Bell, Vice-Chair
 Philip A. Dacey, Commission Member
 Jesse Goode, Jr., Commission Member
 Harold Otis, Commission Member
 E. Donald Foster, Alternate Commission Member
 Linda B. Thall, Senior Assistant County Attorney

Mr. Duke called to order a meeting of the Frederick County Ethics Commission at 7:00 p.m. on January 14, 2013, in the Winchester Room on the 2nd floor of Winchester Hall, 12 East Church Street, Frederick, Maryland 21701.

Approval of the December 10, 2012 meeting minutes – A draft of the minutes was emailed to the Commission members before the meeting. There were no requests for changes.

MOTION: Mr. Otis made a motion to approve the minutes. Ms. Bell seconded the motion and Mr. Foster abstained as he did not attend the December 10 meeting. The motion was approved by all members who voted.

Advisory Opinion 13-01 – The members approved the wording of the Advisory Opinion, which had been sent to the Commission members before the meeting. The members each signed the Advisory Opinion.

MOTION: Mr. Otis made a motion to approve Advisory Opinion 13-01. Mr. Foster seconded the motion, which was approved unanimously.

Commission procedures – Mr. Duke read the text of the new Commission procedure on the selection of Commission officers and filling mid-term vacancies that was adopted at the November 5, 2012 meeting.

Discussion of pending complaint – The Commission discussed the Board of County Commissioners' response to the Commission's request for outside legal counsel to advise the Commission on the complaint. The Senior Assistant County Attorney provided information to the Commission on the conflict-of-interest standards provided in the State Rules of Professional Conduct for attorneys. The members then discussed the nature of the conflict of interest and the options available to the Commission.

MOTION: Mr. Otis made a motion to waive the conflict of interest on the part of the Senior Assistant County Attorney to allow her to provide legal advice to the Commission on the pending complaint. Mr. Goode seconded the

motion, which was approved unanimously. The attorney was directed to prepare a written statement documenting the Commission's waiver.

Pursuant to Section V.E.2 of the Commission's Standard Operating Procedures, the Commission proceeded to make preliminary determinations as to how the complaint will be handled. The Commission reaffirmed its earlier conclusion that the Complainant's request to have the Ethics Commission refer the complaint to another body be denied, as no other body has the jurisdiction to decide the issues raised in the complaint.

MOTION: Mr. Dacey moved to proceed with Part I of the complaint. Mr. Otis seconded the motion, which was approved unanimously.

MOTION: Mr. Otis moved to dismiss Part II of the complaint for failure to state a violation of the Ethics Ordinance. Mr. Goode seconded the motion, which was approved unanimously.

The Commission instructed the Senior Assistant County Attorney to prepare for the Chairman's signature letters to the Complainant and to the four County Commissioners informing them of the Commission's preliminary decisions.

Adjournment

MOTION: Mr. Otis moved to adjourn the meeting. Ms. Bell seconded the motion, which was approved unanimously.

The Ethics Commission adjourned its meeting at 8:06 p.m.

/s/
Linda B. Thall, Senior Assistant County Attorney